

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
San Francisco Division

CAROLS TOMAS GARCIA,
Petitioner,
v.
JARED LOZANO,
Respondent.

Case No. [22-cv-2155-LB](#)

ORDER OF TRANSFER

Petitioner has filed a petition for writ of habeas corpus to challenge the denial of parole by the Board of Parole Hearings. Parole was denied at the California Medical Facility, where Petitioner is still incarcerated. That facility lies within the venue of the Eastern District of California. Petitioner's underlying sentence was imposed in Placer County which is also in the Eastern District of California. Venue is proper in a habeas action in either the district of confinement or the district of conviction, 28 U.S.C. § 2241(d), although a petition challenging the execution of a sentence is preferably heard in the district of confinement. Habeas L.R. 2254-3(a); *Dunne v. Henman*, 875 F.2d 244, 249 (9th Cir. 1989). The preferred venue for this action is the Eastern District of California because Petitioner is confined in that district, that is where parole was denied and his original sentence imposed. Pursuant to 28 U.S.C. § 1404(a) and Habeas L.R. 2254-3(b), and in the interests of justice, this action is TRANSFERRED to the United States District Court for the Eastern District of California. The clerk is requested to transfer this matter forthwith and DISMISS all pending motions.

IT IS SO ORDERED.

Dated: April 6, 2022



LAUREL BEELER
United States Magistrate Judge

United States District Court
Northern District of California

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